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7 *dba True Religion Brand Jeans*

8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA

11 GURU DENIM, INC., a California
12 Corporation dba TRUE RELIGION
13 BRAND JEANS,

13 Plaintiff,

14 vs.

15 FASHION CENTRAL, an unknown
16 business entity; PHIL SON, an individual;
17 and DOES 1-10, inclusive,

17 Defendants.

CASE NO. CV 11-2351 RGK (AGRx)

~~PROPOSED~~ ORDER RE CONSENT
JUDGMENT INCLUDING
PERMANENT INJUNCTION AND
VOLUNTARY DISMISSAL OF
ACTION WITH PREJUDICE

18 WHEREAS Plaintiff Guru Denim, Inc. dba True Religion Brand Jeans and
19 Defendants Fashion Central and Phil Son (collectively "Defendants") have entered into
20 a Settlement Agreement and Mutual Release as to the claims in the above referenced
21 matter. Defendants, having agreed to consent to the below terms, it is hereby:

22 **ORDERED, ADJUDGED, and DECREED** as among the parties hereto that:

23 1. This Court has jurisdiction over the parties to this Final Judgment and has
24 jurisdiction over the subject matter hereof pursuant to 15 U.S.C. § 1121.

25 2. Plaintiff Guru Denim, Inc. dba True Religion Brand Jeans ("True
26 Religion") is the owner of the trademark registrations for word mark "TRUE
27 RELIGION" (registrations include but are not limited to U.S. Reg. Nos. 3,628,973 and
28 3,162,614) and "TRUE RELIGION BRAND JEANS" (registrations include but are

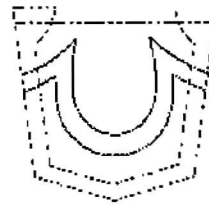
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1 not limited to U.S. Reg. Nos. 2,761,793 and 3,120,797) as well as various composite
2 trademarks comprising said word marks and assorted design components (collectively
3 "True Religion Marks").

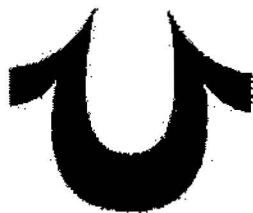
4 3. True Religion's "U" Mark is one of the most well-known and recognized
5 marks. True Religion has used the "U" Mark in association with the sale of goods,
6 including jeans, jackets, and shorts, since as early as 2002. The "U" Mark was first
7 registered at the U.S Patent and Trademark office in 2006. Since then, True Religion
8 has used various composites and variations of the "U" Mark on its goods, most of
9 which have been registered with the United States Patent and Trademark Office.
10 Registrations for the "U" Mark include, but are not limited to the following:



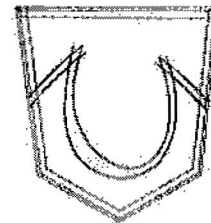
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16 (U.S. Reg. No. 3,561,466)



17 (U.S. Reg. No. 3,147,244)



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21 (U.S. Reg. No. 3,482,001)



22 (U.S. Reg. No. 3,568,127)

23 4. Plaintiff has alleged that Defendants' importation, advertisement,
24 distribution, manufacture, offering for sale and/or sale of products which infringe upon
25 the True Religion Marks constitute trademark infringement and unfair competition
26 under the Lanham Trademark Act, 15 U.S.C. § 1051, et. seq. and under the common
27 law.
28

1 5. Defendants and their agents, servants, employees and all persons in active
2 concert and participation with them who receive actual notice of this Final Judgment
3 are hereby permanently restrained and enjoined from infringing upon the True
4 Religion Marks, include either directly or contributorily, in any manner, including
5 generally, but not limited to manufacturing, importing, distributing, advertising, selling
6 and/or offering for sale any unauthorized product bearing the True Religion Marks, or
7 marks confusingly similar or substantially similar to the True Religion Marks, and,
8 specifically from:

9 (a) Using the True Religion Marks or any reproduction, counterfeit,
10 copy or colorable imitation thereof in connection with the manufacture, importation,
11 distribution, advertisement, offer for sale and/or sale of merchandise comprising not
12 the genuine products of True Religion, or in any manner likely to cause others to
13 believe that Defendants' products are connected with True Religion or True Religion's
14 genuine merchandise;

15 (b) Passing off, inducing or enabling others to sell or pass off any
16 products or other items that are not True Religion's genuine merchandise as and for
17 True Religion's genuine merchandise;

18 (c) Leasing space to any tenant who is engaged in the manufacturing,
19 purchasing, production, distribution, circulation, sale, offering for sale, importation,
20 exportation, advertisement, promotion, display, shipping, marketing of Infringing
21 Products;

22 (d) Committing any other acts calculated to cause purchasers to believe
23 that Defendants' products are True Religion's genuine merchandise unless they are
24 such;

25 (e) Shipping, delivering, holding for sale, distributing, returning,
26 transferring or otherwise moving, storing or disposing of in any manner items falsely
27 bearing the True Religion Marks, or any reproduction, counterfeit, copy or colorable
28 imitation thereof; and

1 (f) Assisting, aiding or attempting to assist or aid any other person or
2 entity in performing any of the prohibited activities referred to in Paragraphs 4(a) to
3 4(e) above.

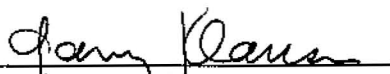
4 6. Plaintiff and Defendants shall bear their own costs associated with this
5 action.

6 7. The execution of this Final Judgment shall serve to bind and obligate the
7 parties hereto.

8 8. The jurisdiction of this Court is retained for the purpose of making any
9 further orders necessary or proper for the construction or modification of this Final
10 Judgment, the enforcement thereof and the punishment of any violations thereof.
11 Except as otherwise provided herein, this action is fully resolved with prejudice.

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13 **IT IS SO ORDERED.**

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15 DATED: JUN -2 2011
16 _____, 2011


17 Hon. R. Gary Klausner
18 United States District Judge
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